



Application No.: 09/854,577
EGG.001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Former Attorney Docket Number: 4256B)

In the Application of:)	
)	
Daniel Egger et al.)	Group Art Unit: 2174
)	
Application Serial Number: 09/854,577)	Confirmation No.: 1561
)	
Date Filed: 15 May 2001)	Examiner: Muhebbullah, Sajeda
)	
Title: Method and Apparatus for Indexing, Searching and Displaying Data)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Express Abandonment Under 37 CFR § 1.138 in Favor of a
Concurrently Filed Divisional Application**

This is a request under 37 CFR § 1.138 to expressly abandon the above-identified application ("the Application") following its revival under 37 CFR § 1.137(b) in favor of a concurrently filed Divisional Application.

On this same date, applicants have filed a **Petition for Revival** of the Application under 37 CFR § 1.137(b). The Application went abandoned for failure to timely respond to an Office Action dated March 30, 2004. This Express Abandonment, conditioned upon receiving a filing date for the concurrently filed Divisional Application, is a response to the Office Action of March 30, 2004.

The undersigned is attorney of record as established by a power of attorney filed the same date, and executed by the owner of the entire interest in the Application, Daniel Egger.

Respectfully submitted,

Date: April 17, 2006

A handwritten signature in dark ink, appearing to read "Stephen R. Whitt", is written over a horizontal line.

Stephen R. Whitt
Reg. No. 34,735

Volentine, Francos & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, VA 20190
Tel: 571-283-0720
Fax: 571-283-0740



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Former Attorney Docket Number: 4256B)

In the Application of:

Daniel Egger et al.

Application Serial Number: 09/854,577

Date Filed: 15 May 2001

Title: Method and Apparatus for Indexing,
Searching and Displaying Data

)
)
) **Group Art Unit:** 2174
)
) **Confirmation No.:** 1561
)
) **Examiner:** Muhebbullah, Sajeda
)
)
)

Attention: Office of Petitions
Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Petition For Revival Of An Application For Abandoned Unintentionally
Under 37 CFR §1.137(b) (Small Entity)**

The above-identified application ("the Application") became abandoned for failure to timely respond to an Office Action dated March 30, 2004. The date of abandonment is the day after the expiration date of the period set for reply in the Office Action.

Applicants hereby **Petition for Revival** of the Application under 37 CFR § 1.137(b), and submit the following items in support of this Petition:

1. A Petition Fee under 37 CFR 1.17(m) in the amount of \$790.00 (small entity);
04/18/2006 SZEWDIE1 00000122 09854577
01 FC:2453 750.00 OP
2. A reply to the Office Action of March 30, 2004 in the form of an Express Abandonment of the Application in favor of a newly filed Divisional application;
3. A Power of Attorney executed by the owner of the Application in favor of the undersigned Attorney, now of record;
Repln. Ref: 04/18/2006 SZEWDIE1 0011413300
DAH:500238 Name/Number:09854577
FC: 9204 \$40.00 CR

4. An Attorney Submission by applicants' current attorney of record regarding this Petition;

5. A Supporting Declaration by applicant and Application owner, Daniel Egger; and,

6. The following statement:

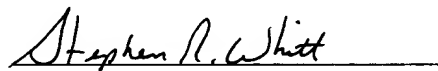
"In view of the accompanying supporting Declaration (item 4) and Attorney Submission (item 3), applicants believe that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

Of note, applicants continue to claim small entity status in this matter under 37 CFR 1.27. Of further note, no terminal disclaimer is required in view of the Application's post-1995 filing date.

Should the Director require, any overpayment in this matter may be credited to, or any payment deficit may be remedied by charge to Deposit Account No. 50-0238.

Respectfully submitted,

Date: April 17, 2006



Stephen R. Whitt
Reg. No. 34,735

Volentine, Francos & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, VA 20190

Tel: 571-283-0720
Fax: 571-283-0740



THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Former Attorney Docket Number: 4256B)

~~In the~~ Application of:

Daniel Egger et al.

Application Serial Number: 09/854,577

Date Filed: 15 May 2001

Title: Method and Apparatus for Indexing,
Searching and Displaying Data

)
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) **Group Art Unit:** 2174
)
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)
) **Examiner:** Muhebbullah, Sajeda
)
)

Attention: Office of Petitions
Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Attorney Submission Related to Concurrently Filed Petition For
Revival 37 CFR §1.137(b)**

In view of the facts submitted in the attached supporting Declaration by Daniel Egger, the undersigned attorney, now of record, makes the following submission.

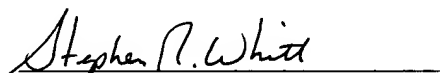
The required statutory statement - item 6 in the concurrently filed Petition For Revival - has been made predicated upon this Submission and the supporting Declaration by Mr. Egger, first named applicant and owner of an entire interest in the above-identified application.

In view of the facts presented by Mr. Egger, the undersigned attorney submits that consideration of the Petition for Revival should be made in light of the Commissioner's holding in the case of *In re Lonardo*, 17 USPQ2d 1455 (Comm'r Pat. & Trademarks 1990). This case while directed specifically to determination of reviving a patent application as being unavoidably abandoned is nonetheless deemed controlling in the current determination despite a different legal theory for revival (i.e., unintentional abandonment).

The *Lonardo* case clearly sets forth an exception to the general rule enunciated in *Link v. Wabash R.R.*, 370 U.S. 626, 633-34 (1962) that actions (or inaction) by an attorney is chargeable to a client. This exception, as stated in *Lonardo*, is one where "[w]hen an attorney intentionally conceals a mistake he has made, thus depriving the client of a viable opportunity to cure the consequences of the attorney's error, the situation is not governed by the stated rule in *Link* for charging the attorney's mistake to his client." (See, *Lonardo*, 17 USPQ2d at 1458).

Respectfully submitted,

Date: April 17, 2006

A handwritten signature in black ink, reading "Stephen R. Whitt", is written over a horizontal line.

Stephen R. Whitt
Reg. No. 34,735

Volentine, Francos & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, VA 20190

Tel: 571-283-0720
Fax: 571-283-0740



Declaration of Daniel Egger in Support of Applicants'
Petition to Revive Filed Under 37 C.F.R. § 1.137(b)

1. I, Daniel Egger, am the first named applicant of U.S. Patent Application Serial No. 09/854,577 filed May 15, 2001 and entitled, "Method and Apparatus For Indexing, Searching And Displaying Data", (hereafter the '577 application").
2. I am also the owner of the entire interest in the '577 application.
3. The '577 application was initially filed by the law firm of Dorsey & Whitney, LLP (hereafter "D&W") through its office then located at Suite 440, 1660 International Drive, McLean, Virginia 22102. See, copy of official filing receipt, attached as Exhibit A.
4. On October 4, 2004, a Change of Correspondence Address was filed by Edward Bulchis, Reg. No. 26,847, of D&W that identified 1420 Fifth Avenue, Suite 3400, Seattle, Washington 98101 as a new correspondence address for correspondence related to the '577 application. See, copy attached as Exhibit B.
5. However, completely unknown to me and apparently also unknown to D&W, an Office Action was issued by the United States Patent and Trademark Office on March 30, 2004, and was sent to the former address of D&W's McLean, Virginia office.
6. D&W received a copy of the Office Action no later than March 21, 2005. See, copy of facsimile cover sheet from Denise Sheridan forwarding a copy of the Office Action to Kristine Kincaid, attached as Exhibit C.

7. D&W received a copy of a Notice of Abandonment on March 31, 2005, and a notation was placed on the Notice of Abandonment by Kristine Kincaid stating that, "Denise Sheridan confirmed that no response was filed because the Office Action wasn't received due to a change of address without notifying the Patent Office." See, copy of Notice of Abandonment attached as Exhibit D.

8. Notwithstanding the received Notice of Abandonment, I was only routinely informed of the Office Action in a letter dated May 9, 2005 from Edward Bulchis. The letter provided commentary and suggestions regarding a possible response to the Office Action, but made no reference whatsoever was made to the abandoned state of the application, or the implications of this abandonment to the continued prosecution of the '577 application. See, copy of Bulchis Letter dated May 9, 2005, attached as Exhibit E.

9. On June 1, 2005, still not knowing that the application was abandoned, I responded by email to the Bulchis Letter dated May 9, 2005. See, copy of responding email attached as Exhibit F.


10. During the July/August 2005 timeframe I was orally informed by Edward Bulchis of some "technicality" associated with the pending '557 application, but was assured that it could be easily remedied by D&W. At this time, I was not informed that the application had become abandoned or that timely revival was required to continue prosecution.

11. On March 2, 2005, I received a letter dated February 3, 2005 from Edward Bulchis clearly notifying me for the first time that the pending '577 application was, in fact, in an "abandoned state." I immediately sent an email reply requesting that the application be revived. See, copy of Bulchis Letter dated February 3, 2005 and copy of replying email of March 2, 2005, both attached as Exhibit G.

12. On April 10, 2005 after unsuccessful attempts to address this matter through D&W, I contacted new patent counsel. Also on this date - for the first time - I was informed by new patent counsel of the imperative to timely revive the '577 application. Accordingly, I instructed Edward Bulchis to forward the prosecution file for the '557 application to the offices of Volentine, Francos & Whitt, PLLC in Reston, Virginia (VFW). See, copy of email attached as Exhibit H.

13. During the week of April 10, 2006, in cooperation with VFW, I prepared the necessary documents to effect revival and make a response to the Office Action.

14. I hereby declare that all statements made herein of my own knowledge are true, and that all statements on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '557 application or any patent issuing from the '557 application.



by: Daniel Egger

April 17, 2006
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/854,577	05/15/2001	2171	355	4256B	56	20	3

CONFIRMATION NO. 1561

FILING RECEIPT



OC000000006175031

DORSEY & WHITNEY LLP
Suite 400
1660 International Drive
McLean, VA 22102

Date Mailed: 06/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel Egger, Durham, NC;
Shawn Cannon, Hillsborough, NC;
Ronald D. Sauers, Mebane, NC;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/071,120 05/04/1998 PAT 6,233,571
WHICH IS A DIV OF 08/649,304 05/17/1996 PAT 5,832,494
WHICH IS A CIP OF 08/076,658 06/14/1993 PAT 5,544,352

Foreign Applications

If Required, Foreign Filing License Granted 06/11/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

** SMALL ENTITY **

Title

DOCKETED

6/21/01

WKE



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Oct. 4, 2004
Date

Denise Sheridan
Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel Egger et al. Attorney Docket No.: 32560/US (4256B)
Serial No. : 09/854,577 Group Art Unit : 2171
Filed : May 15, 2001 Examiner : S. Muhebbullah
Title : METHOD AND APPARATUS FOR INDEXING, SEARCHING AND DISPLAYING
DATA

CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record requests that the correspondence address in the above-identified application be changed to:

Edward W. Bulchis
DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
(206) 903-8800
Fax: (206) 903-8820

Respectfully submitted,
DORSEY & WHITNEY LLP

Edward W. Bulchis

Edward W. Bulchis
Registration No. 26,847

EWB:dms

Enclosure:

Postcard

1420 Fifth Avenue, Suite 3400
Seattle, WA 98101
Tel: (206) 903-8800
Fax: (206) 903-8820

H:\P\Documents\Clients\Egger, Daniel\32560US\32560US change corres address.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561

7590 03/30/2004
DORSEY & WHITNEY LLP
Suite 400
1660 International Drive
McLean, VA 22102

EXAMINER
LEWIS, ADAM M

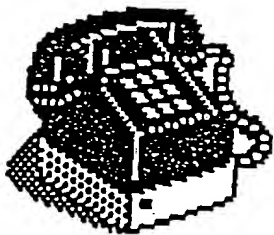
ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

h



TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

DATE: 3/21/05

TO: (NAME) Denise Sheridan

(COMPANY OR FIRM) _____

(FAX No.) 1-206-903-8820

FROM: (NAME) Kristine Kincaid

(VOICELINE No.) 571-272-4063

NUMBER OF PAGES 14 INCLUDING THIS PAGE.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561

7590 03/28/2005
Edward W. Bulchis
DORSEY & WHITNEY LLP
1420 Fifth Avenue
Suite 3400
Seattle, WA 98101

EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT PAPER NUMBER

2174

RECEIVED

MAR 31 2005

DATE MAILED: 03/28/2005

DORSEY & WHITNEY LLP *ea*

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/854,577

Examiner

Sajeda Muhebbullah

Applicant(s)

EGGER ET AL.

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03/30/2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Denise Sheridan confirmed that no response was filed because the office action wasn't received due to a change of address without notifying the Patent Office

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EDWARD W. BULCHIS
(206) 903-8785
bulchis.ed@dorsey.com

May 9, 2005

Mr. Daniel Egger
900 West Main Street
Suite 258
Durham, NC 27701

Re: U.S. Patent Application No. 09/854,577
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND
DISPLAYING DATA
Our Reference: 32560/US (453550-1)

Dear Dan:

We have now reviewed your application and the patents previously issuing from the parents to this application, as well as the Office Action and cited reference, which were previously sent to you. As you may recall, this application is directed to a window management system and method in which active windows are identified and displayed in a particular format. Each time a new window is activated, it is also identified and displayed in a particular format. Additionally, the system and method can recognize active windows other than those that have been identified, and it then causes these recognized windows to be displayed in a second format. For example, if there are a large number of active windows, the most recent windows can be maximized while older windows can be minimized. The claimed system and method automatically performs these management functions each time a new window is activated.

The sole reference cited in the Office Action is a text by Cowart entitled "Mastering Windows 3.1," which describes and shows in Figures 2.8 and 2.9 displaying active windows in either a "Cascade" format or a "Tile" format. The Cascade or Tile format is manually selected by the user. Regardless of what format is selected, the main window also shows, in addition to either Cascaded or Tiled windows, icons corresponding to applications that are not active. Whenever one of these applications is activated, a corresponding window is displayed in the selected window format.

If our understanding of the Cowart text is correct, then it does not disclose or suggest recognizing at least one active window that is displayed in a format that is different from the format used to display other active windows, as recited in claims 106-112. If our analysis is correct, we believe claims 106-112 should be allowable, and we will explain our reasoning to the Examiner in our response.

Claim 99 is somewhat broader than claim 106 in that it requires only identifying activated windows and displaying these windows in a particular format each time a new window is activated. The cited reference therefore may suggest the subject matter of claim 99 unless claim 99 can be read to require that less than all of the active windows are displayed, *e.g.* only the most recently activated windows are displayed. We therefore recommend consideration be given to amending claim 99 to clarify that only the most recently activated windows are displayed, and this function of selectively displaying the most recently activated windows is accomplished each time a new window is activated.

The remaining independent claim, *i.e.*, claim 113, is a system claim that is directed to auto-arranging windows in a predetermined format in a manner that causes the arrangement of all active windows to change each time a new window is activated. This claim arguably reads on the disclosure in the Cowart reference of adding a new cascaded or tiled window to existing cascaded or cascaded windows, respectively, each time a new application is activated. When the new window is added, the arrangement therefore arguably changes.

Mr. Daniel Egger
May 9, 2005
Page 3



Please review the Office Action and cited reference, and then give me a call so we can discuss the preparation of a response to the Office Action. In case you do not have a complete copy of the Cowart reference, we are enclosing copies of pages 53-82.

Very truly yours,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'Ed'.

Edward W. Bulchis

EWB:alb

Enclosures:

As Noted

h:\p\clients\egger, daniel\32560us\32560us egger ltr 050905.doc

Bulchis, Ed

From: Daniel Egger [degger@osriskmanagement.com]
Sent: Thursday, March 02, 2006 2:47 PM
To: Bulchis, Ed
Subject: Revival of Egger Patent App.

Ed:

I just got your Feb 3 letter! We definitely need to revive this application, if it can be part of a broader strategy with the two issued patents. The issue was and is, whether the =original date can be used to pursue a modification of the original claims in the first 1992 patent that will strengthen them against potential challenge. Joby Hughes was supposed to call you on this point last summer as you may remember. He went quiet for a few months but has significant renewed interest in the deal and has been hounding me for an answer -- so we need to understand his question and answer it.

Please let me know a couple times when I can reach you by telephone, and we can figure out who should do what when.

Thanks,

Daniel Egger

EDWARD W. BULCHIS
(206) 903-8785
bulchis.ed@dorsey.com

February 3, 2006

Mr. Daniel Egger
900 West Main Street
Suite 258
Durham, NC 27701

Re: U.S. Patent Application No. 09/854,577
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND
DISPLAYING DATA
Our Reference: 32560/US (453550-1)

Dear Dan:

As we have discussed, your application is currently in an abandoned status although we can take steps to revive it. The application was abandoned because no response was filed to an Office Action dated March 30, 2004. We previously started preparing documents to revive the application at Dorsey's expense. However, one of the requirements to revive the application is that a response to the Office Action must be filed with the documents reviving the application. We previously solicited your assistance in determining how the claims rejected in the Office Action distinguished over the cited references. In our last telephone conversation, you indicated that the subject matter of the claims presently in the application had very limited value to you, and you indicated you would let me know what you would like to do with the application. Would you please let me know as soon as possible as the application should not remain in its abandon state indefinitely if you intend to eventually revive it.

There are basically three options. First, we can prepare a response arguing the patentability of the claims presently in the application. However, as mentioned above, we will need your assistance before preparing the response. Second, we can file a continuation application substituting new and presumably more valuable claims for prosecution in the continuation application. Third, we can simply leave the application in its abandoned state. As also mentioned during our last telephone conversation, if you choose the third option, Dorsey would deduct from the balance currently owing an amount equal to the Patent & Trademark Office fee for reviving the application. This fee is currently \$750. Regardless of which option you choose, you need to take action in reducing the outstanding balance, which has been unpaid for some time.

Mr. Daniel Egger
February 3, 2006
Page 2



If you have any questions, please do not hesitate to call.

Very truly yours,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'EB' with a stylized flourish.

Edward W. Bulchis

EWB:alb

h:\p\clients\egger, daniel\32560us\32560us egger ltr 050905.doc

Stephen Whitt

From: Daniel Egger [degger@osriskmanagement.com]
Sent: Tuesday, April 11, 2006 11:14 AM
To: bulchis.ed@dorsey.com
Cc: Stephen Whitt
Subject: Transfer of Patent Files

Dear Ed:

I've made the decision to terminate any further representation by Dorsey & Whitney.

As per the telephone message I left for you this morning, please send all of the files relating to my two issued and one pending/lapsed patent application immediately by Federal Express to my new patent counsel:

Stephen Whitt
Volentine, Francos & Whitt, PLLC
1 Freedom Square
11951 Freedom Drive
Suite 1260
Reston, VA
20190

You may use my Federal Express billing number: 231-389-792.

Thank you for your prompt attention to this matter.

Sincerely,

Daniel Egger